

United States of America, ) File No. 15-CR-49  
) (MJD/FLN)  
Plaintiff, )  
)  
vs. ) Minneapolis, Minnesota  
) February 11, 2016  
(1) Hamza Naj Ahmed, ) 9:35 a.m.  
(2) Mohamed Abdihamid Farah, )  
(3) Adnan Abdihamid Farah, )  
(4) Abdirahman Yasin Daud, )  
(7) Guled Ali Omar, )  
)  
Defendants. )  
)

BEFORE THE HONORABLE MICHAEL J. DAVIS  
UNITED STATES DISTRICT COURT JUDGE

(MOTIONS HEARING)

Proceedings recorded by mechanical stenography;  
transcript produced by computer.

APPEARANCES

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**P R O C E E D I N G S**

**IN OPEN COURT**

(Defendants present)

THE COURT: Let's call these matters.

THE CLERK: The United States of America vs. Hamza Naj Ahmed, Mohamed Abdihamid Farah, Adnan Abdihamid Farah, Abdirahman Yasin Daud, and Guled Ali Omar, Criminal Case No. 15-CR-49.

Counsel, will you please state your appearances for the record.

MR. DOCHERTY: Good morning, Your Honor. Assistant U.S. Attorneys John Docherty and Andrew Winter representing the United States.

THE COURT: Good morning.

MS. MURRAY: Good morning, Your Honor. JaneAnne Murray for Mr. Ahmed.

THE COURT: Good morning.

MR. MOHAMMAD: Good morning. Murad Mohammad on behalf of Mohamed Farah.

THE COURT: Good morning.

MR. NWANERI: Good morning, Your Honor. Patrick Nwaneri on behalf of Mohamed Farah.

THE COURT: Good morning.

MR. UDOIBOK: Good morning, Your Honor. Kenneth Udoibok on behalf of Adnan Farah.

1 THE COURT: Good morning.

2 MR. NESTOR: Good morning. Bruce Nestor on behalf  
3 of Abdirahman Daud, who is present.

4 THE COURT: Good morning.

5 MR. BRUDER: Good morning, Your Honor. My name is  
6 Glenn Bruder. I am appearing on behalf of Guled Ali Omar,  
7 who is seated to my left.

8 THE COURT: Good morning.

9 Defense had filed some motions. The government  
10 has responded and the Court has issued its order. Counsel,  
11 have you received the Court's order?

12 MR. DOCHERTY: Yes, Your Honor.

13 MS. MURRAY: Yes, Your Honor.

14 MR. MOHAMMAD: Yes, Your Honor.

15 MR. NWANERI: Yes, we have, Your Honor.

16 MR. UDOIBOK: Yes, Your Honor.

17 MR. NESTOR: Yes.

18 MR. BRUDER: We have, Your Honor.

19 THE COURT: Any other motions that I have to deal  
20 with from the defense?

21 MS. MURRAY: Not for Mr. Ahmed, Your Honor.

22 MR. MOHAMMAD: None for Mr. Farah.

23 MR. NWANERI: None, Your Honor.

24 MR. UDOIBOK: None, Your Honor.

25 MR. NESTOR: Mr. Daud has no pending motions

1 before the Court at this time, Your Honor.

2 MR. BRUDER: I believe Your Honor's order was  
3 comprehensive as to the motions that were filed, Your Honor.

4 THE COURT: Any motions for the government?

5 MR. DOCHERTY: None at this time, Your Honor.

6 THE COURT: I want to put on the record if there  
7 has been any plea negotiations that have been tendered to  
8 individual defendants, I would like that to be put on the  
9 record and then the defendant to acknowledge that they know  
10 about it and rejected it.

11 MR. DOCHERTY: Your Honor, there have been ongoing  
12 discussions for some months concerning those matters and we  
13 have indicated to the defense that at any time that they  
14 indicate that they are ready and willing to receive a formal  
15 plea offer, one would be tendered to them.

16 THE COURT: Counsel, is that your understanding?

17 MS. MURRAY: That is my understanding, yes, Your  
18 Honor.

19 MR. MOHAMMAD: Well, Your Honor, we don't  
20 necessarily have a formal offer that's been made to us, but  
21 there have been ongoing discussions.

22 MR. NWANERI: Your Honor, that is correct because  
23 the government actually did not make any offer to Mohamed  
24 Farah and they are aware of that. So we have not gotten  
25 anything formal. Thank you.

1 MR. UDOIBOK: There's been discussions, Your  
2 Honor, about resolving the matter, but that terminated a few  
3 months ago and the parties are still open to negotiation.

4 MR. NESTOR: Your Honor, Mr. Daud has been kept  
5 informed by me of any communications from the government  
6 with respect to a resolution of this case.

7 THE COURT: Mr. Bruder.

8 MR. BRUDER: Your Honor, Mr. Omar has not received  
9 any formal offer from the government. Mr. Omar several  
10 months ago solicited an offer from the government and was  
11 told at that time that the government was uninterested in  
12 making an offer to Mr. Omar. The situation has not markedly  
13 changed since that time.

14 THE COURT: All right. As is normal in these  
15 matters, there will be ongoing negotiations between the  
16 parties and the Court is not involved in any of that.

17 The next hearing before this Court will be on  
18 Tuesday, April 26th at 9:30 in this courtroom and trial is  
19 set for Monday, May 9, 2016 at 9:00 a.m. Any difficulties  
20 with those dates that we set a long time ago?

21 MR. DOCHERTY: No, Your Honor, none.

22 MS. MURRAY: No, Your Honor.

23 MR. MOHAMMAD: Not at this time.

24 MR. NWANERI: No, Your Honor.

25 MR. UDOIBOK: No, Your Honor.

1 MR. NESTOR: Your Honor, just to clarify, I have a  
2 date certain trial notice filed -- my hole punch goes right  
3 through the date -- indicating the hearing was Thursday,  
4 April 28th. Now, perhaps I missed the amendment of that.

5 THE COURT: You've missed the --

6 MR. NESTOR: It is the 26th?

7 THE COURT: There has been a change and the order  
8 that I filed yesterday has the correct date in it.

9 MR. NESTOR: Just failed to notice it, Your Honor.

10 MR. BRUDER: Your Honor, on behalf of Mr. Guled  
11 Ali Omar, I do not currently anticipate any problem with  
12 those dates, Your Honor.

13 THE COURT: You're not going to have any.

14 (Laughter)

15 MR. BRUDER: The only issue I have is I have a  
16 trial scheduled beginning in front of Judge Nelson on  
17 April 4th, which is scheduled to last three weeks. However,  
18 one of the other attorneys is requesting that that date be  
19 reset and I anticipate it will be, which would eliminate any  
20 possibility that trial would not have concluded by  
21 April 26th and I fully anticipate there being no problem,  
22 Your Honor.

23 THE COURT: Well, I'm certain that this trial date  
24 was set way before the other one, so the Marshal will gladly  
25 pull you out of that trial.

1 (Laughter)

2 THE COURT: So I'm just telling you you're going  
3 to be here. You can deal with Judge Nelson on that.

4 Any other issues?

5 Have all the defendants received the appropriate  
6 discovery and have appropriate electronic devices to view  
7 the documents and videos and audio so I don't have to have  
8 any problems at trial with a client saying that they didn't  
9 have time to review any documents?

10 MS. MURRAY: Yes, Your Honor. On behalf of  
11 Mr. Ahmed, I understand that the entire set of discovery has  
12 been made available to him at Sherburne Jail and he has  
13 access to it at a computer and I believe he has access every  
14 day if he wishes. Thank you.

15 MR. MOHAMMAD: Your Honor, on behalf of Mr. Farah,  
16 we have not had any issues accessing any of the discovery.

17 MR. NWANERI: Your Honor, the same, no issues.

18 MR. UDOIBOK: No problem. We don't have any  
19 difficulties with it.

20 MR. NESTOR: Your Honor, I have had ongoing  
21 discussions with the Washington County Jail and then will  
22 follow up with the U.S. Marshal and I have also had brief  
23 contact with the U.S. Attorney about Mr. Daud having access  
24 to the audio recordings on his own while he's in jail and  
25 trying to get him a device that will allow him to listen to



1        what are extensive audio recordings and I don't -- if there  
2        are problems, we certainly can involve the Court to the  
3        degree that would become necessary, but --

4                THE COURT: Well, all you have to do is contact my  
5        courtroom deputy and she will arrange with the Marshals  
6        Office to have your client brought in. We have facilities  
7        in either courthouse, in St. Paul or in Minneapolis, so they  
8        can meet with you or be by themselves to listen to or view  
9        any documents that are necessary. So if there's any  
10       problems, quickly contact my courtroom deputy so that can be  
11       resolved.

12               MR. NESTOR: We will do that, Your Honor. What we  
13       were hoping, at least the jail administrator at Washington  
14       indicated he was open to it, was the possibility that  
15       Mr. Daud could view -- listen to those audio there given the  
16       length of it and to minimize the need for transport, but,  
17       again, if we need involvement from the Court, we will be in  
18       contact.

19               THE COURT: Thank you.

20               MR. BRUDER: Your Honor, Mr. Omar has been given  
21       access to those materials initially at this facility and  
22       then when he was transferred to Sherburne County. Like the  
23       other defendants who are there, he has access to those  
24       materials and has been able to utilize that. Thank you.

25               THE COURT: Anything further for the government?

1 MR. DOCHERTY: Nothing at this time, Your Honor.

2 Thank you.

3 THE COURT: For the defense?

4 MS. MURRAY: Nothing further, Your Honor.

5 MR. MOHAMMAD: Nothing from us.

6 MR. UDOIBOK: Nothing further, Your Honor.

7 MR. NESTOR: Nothing at this time, Your Honor.

8 MR. BRUDER: Nothing for Mr. Omar, Your Honor.

9 THE COURT: Thank you. We are in adjournment.

10 (Court adjourned at 9:46 a.m.)

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15 I, Lori A. Simpson, certify that the foregoing is a  
16 correct transcript from the record of proceedings in the  
17 above-entitled matter.

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19 Certified by: s/ Lori A. Simpson

20 Lori A. Simpson, RMR-CRR

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